

REMARKS

This document is filed responsive to the Final Office Action dated June 11, 2008. It is respectfully requested that the instant claim amendments be entered, as it is submitted that the instant claim amendments present the case in either in condition for allowance or in better form for appeal.

In the instant Response, Applicants have canceled claims 1-4, 7-9, 11-26, 31-34, 36, 37, 42, 51, 53-56, and 58-70. Claim 57 alone remains.

Oath/Declaration

The Examiner states that the declaration filed in this case remains defective and not in compliance with 37 CFR 1.67(a), as neither the application number nor the filing date appear on the executed declaration of record signed by inventor Paul Dunn.

Responsive to this rejection, Applicants, together with this Response, submit a newly executed Declaration by inventor Paul Dunn identifying this application by application number and filing date. Reconsideration of this rejection is respectfully requested.

Rejection under 35 U.S.C. § 112, first paragraph

The Examiner has rejected claim 4 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Applicants have canceled claim 4, and accordingly the rejection is now mooted. Reconsideration is respectfully requested.

Rejection under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claim 65 and 67 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have canceled claims 65 and 67, and accordingly, the rejection is now mooted. Reconsideration is respectfully requested.

Rejection under 35 USC § 102(b)

Claims 1, 7-9, 12-16, 32-34, 60, 61, and 65-70 have been rejected under 35 USC § 102(b) as allegedly being anticipated by Coffin et al. (WO 99/38955). Applicants have canceled

claims 1, 7-9, 12-16, 32-34, 60, 61, and 65-70, and accordingly, the rejection is now mooted. Reconsideration is respectfully requested.

Rejections under 35 USC § 103(a)

Claims 2-4

Claims 2-4 have been rejected under 35 USC § 103(a) as allegedly being unpatentable over Coffin et al. WO 99/38955 as applied to claims 1, and further in view of Anlezark et al. (WO 93/08288) or Perna et al. (Nature, 2001, 409:529-533). Applicants have canceled claims 2-4, and accordingly, the rejection is now mooted. Reconsideration is respectfully requested.

Claim 11

The Examiner has rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Coffin et al. as applied to claims 1, above, and further in view of Coukos et al. (Clinical Cancer Research, 1999, 5:1523-1537). Applicants have canceled claim 11, and accordingly, the rejection is now mooted. Reconsideration is respectfully requested.

Claims 17-26

The Examiner has rejected claims 17-26 under 35 U.S.C. § 103(a) as being unpatentable over Coffin et al. as applied to claims 1, above, and further in view of Herlitschka et al. (U.S. Patent No. 6,114,146). Applicants have canceled claims 17-26, and accordingly, the rejection is now mooted. Reconsideration is respectfully requested.

Claims 36, 37, 42, and 62-64

The Examiner has rejected claims 36, 37, 42, and 62-64 under 35 U.S.C. § 103(a) as being unpatentable over Coffin et al. as applied to claims 1 and 34, above, and further in view of Anlezark et al. (WO 93/08288). Applicants have canceled claims 36, 37, 42, and 62-64, and accordingly, the rejection is now mooted. Reconsideration is respectfully requested.

Allowable subject matter

Applicants thank the Examiner for noting the allowability of objected-to claim 57. The Applicants believe that in view of the new Declaration submitted with the instant response, (answering the claim objections for the Declaration of record), along with the cancellation of all claims other than 57, that the application is now allowable and reconsideration and issuance of a notice of allowance are respectfully requested. If it would be helpful to obtain favorable

consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to deposit account No. 19-5117.

Respectfully submitted,

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